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JAN 11 2006

TECHNOLOGY CENTER 2100

In re Application of: Tran, et al.)
Application No. 09/929,743) SUA SPONTE
Attorney Docket No. SUN-P6089) WITHDRAWAL OF HOLDING OF
Filed: August 13, 2001) ABANDONMENT
For: EXTENSIBLE CLIENT AWARE)
HIERARCHICAL FILE MANAGEMENT)
IN A WIRELESS PORTAL SYSTEM)

The status inquiry, by way of a telephone inquiry by Applicant on January 4, 2005 is acknowledged.

A review of the file indicates that a Notice of Abandonment was mailed on May 25, 2005. The notice indicated that the instant application was being held abandoned for failure to respond to the Non-Final Office letter mailed on November 4, 2004.

A further review of the file indicates that the Non-Final Office letter of November 4, 2004 was mailed to an incorrect address (IBM Corp., T.J. Watson Research Center, P.O. Box 218, Yorktown Heights, NY 10598). The file contents show a proper revocation in the power of attorney and change of correspondence address was received in the Office on August 24, 2004 and approved in the notice of acceptance mailed August 28, 2004. The address of record of the instant application has been updated to reflect the correct address, i.e. Osha & May LLP, 1221 McKinney Street, Suite 2800, Houston, TX 77010.

In accordance with MPEP §402.05, "revocation of the power of attorney becomes effective on the date that the revocation is RECEIVED in the Office (not on the date of ACCEPTANCE)". As a result of a USPTO clerical error, the Non-Final Office letter, as well as the Notice of Abandonment, were mailed to the wrong address.

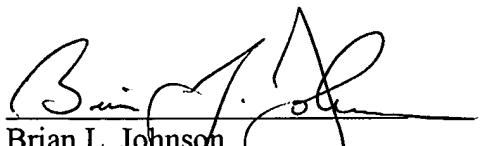
In view of these facts, the abandonment of the application was clearly in error and is hereby VACATED. The Office regrets any inconvenience this may have caused.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to WITHDRAW the holding of abandonment, restore the instant application to pending status and to REDATE/REMAIL the Non-Final Office letter of November 4, 2004 (restarting the shortened statutory period to begin with the remailing).

Application No. 09/929,743

Decision on Petition

Inquiries to this decision may be directed to Special Programs Examiner Brian Johnson at (571) 272-3595.



Brian L. Johnson

Special Program Examiner

Technology Center 2100

Computer Architecture, Software, and Information Security

Decision on Petition

(C) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. >The pre-examination search must be directed to the invention as claimed in the application for which special status is requested.< A search made by a foreign patent office satisfies this requirement >if the claims in the corresponding foreign application are of the same or similar scope to the claims in the U.S. application for which special status is requested<;

(D) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(E) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

With respect to requirement (E), the petition does not contain a detailed discussion of the references to the extent required by 37 CFR 1.111(b) and (c). Note that the discussion must particularly point out how the claimed subject matter is patentable over the references. In the present case, for each cited reference, the petition states that essentially all of the limitations of the independent claims are not taught or suggested. However, a statement that the entirety of an independent claim is not disclosed by the prior art does not provide a sufficient distinction between the claimed invention and each of the cited references. Furthermore, it would be difficult to conclude that the pre-examination search was directed to the claimed invention if essentially none of the claim limitations were found in the "most closely related" prior art.

Because the petition fails to satisfy all of the criteria set forth above, the petition to make special is **DISMISSED**.

Any request for reconsideration must be filed within TWO (2) MONTHS from the mailing date of this decision.

The application will remain in the status of a new application awaiting action in its regular turn.

Pinchus M. Laufer

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